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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,945	07/12/2001	Tsukasa Takahashi	33798	1977
116	7590	08/05/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			LELE, TANMAY S	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/903,945

Applicant(s)

TAKAHASHI ET AL.

Examiner

Tanmay S Lele

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it was not understood what was meant by “wherein the second case is located on the side surface of the antenna when the portable radio device is used.” For purposes of examination it was assumed that this was in reference to the second case being next to the antenna (in some dimension), as depicted in Figure 2. Appropriate clarification is requested.

Claims 2 – 5 are rejected for at least those reasons cited for independent claim 1.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 3 and 6 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Martensson (Martensson, UK Patent Application No. GB 2,330,979).

Regarding claim 1, Martensson teaches of a portable radio device having an antenna (Figure 1), comprising: a first case connected to the antenna (Figure 1 and page 5, lines 1 –4); and a second case which is connected to the first case and is made of metal or a material

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including metal (Figure 1 and page 5, lines 1 – 4 and page 5, lines 8 –14), wherein the second case is located on the side surface of the antenna when the portable radio device is used (Figure 1 and 11 –14).

Regarding claim 6, Martensson teaches of a portable radio device having an antenna (Figure 1 and page 5, lines 1 –4), comprising: a first case connected to the antenna (Figure 1 and page 5, lines 1 –4); and a second case which is connected to the first case, and is made of metal or a material including metal (Figure 1 and page 5, lines 1 – 4 and page 5, lines 8 –14), wherein the second case is located between the antenna and a user when the portable radio device is used (Figure 1 and 11 –14).

Regarding claims 2 and 7, Martensson teaches all the claimed limitations as recited in claim 1 and 6. Martensson teaches of further comprising a hinge portion for rotatably connecting the first and second cases to each other (page 5, lines 8–10 and page 5, lines 16 – 19), wherein the first and second cases rotate about the hinge portion and stop at a predetermined angle that is smaller than 180 degrees when the portable radio device is used (Figure 1 and page 5, lines 16 – 20).

Regarding claims 3 and 8, Martensson teaches all the claimed limitations as recited in claims 2 and 7. Martensson further teaches of wherein the first case is a main body case in which a main substrate of a portable radio device is housed (Figure 1 and page 5, lines 1 –6), and the second case is a cover case of the main body case (Figure 1 and page 5, lines 11 – 14).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (Martensson, UK Patent Application No. GB 2,330,979) in view of Tran (Tran, US Patent No. 6,215,454).

Regarding claims 4 and 9, Martensson teaches all the claimed limitations as recited in claims 1 and 6. Martensson does not teach of wherein the second case includes a receiver portion that outputs sound.

In a related art dealing with antenna shielding in mobile communications devices, Tran teaches of wherein the second case includes a receiver portion that outputs sound (Figures 1B and 2A and column 7, lines 1 – 7 and column 6, lines 44 – 51).

It would have been obvious to one skilled in the art at the time of invention to have included into Martensson's folding cover, Tran's speaker, for the purposes better ergonomics design, as taught by Tran.

Regarding claims 5 and 10, Martensson teaches all the claimed limitations as recited in claims 1 and 6. Martensson does not specifically teach of wherein the antenna includes a whip antenna that can be pulled out.

In a related art dealing with antenna shielding in mobile communications devices, Tran teaches of wherein the antenna includes a whip antenna that can be pulled out (Figures 1B and 2A and column 6, lines 57 – 68).

It would have been obvious to one skilled in the art at the time of invention to have included into Martensson's folding cover antenna system, Tran's retractable antenna and

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shielding system, for the purposes of creating a compact antenna structure that possesses the desired radiation characteristics that is able to be mounted on a wireless device and further providing some shielding when an antenna is not extended, as taught by Tran.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tanmay S Lele  
Examiner  
Art Unit 2684

tsl  
July 28, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**